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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,734	08/03/2001	Norman Yamamoto	310048-650	8752

24201 7590 11/30/2005

FULWIDER PATTON
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CA 90045

EXAMINER

HENDERSON, MARK T

ART UNIT PAPER NUMBER

3722

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/921,734
Filing Date: August 03, 2001
Appellant(s): YAMAMOTO ET AL.

Attorney Scott R. Hansen

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 1, 2005 appealing from the Office action mailed July 14, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6206602	YAMAMOTO et al	3-2001
5,118,137	WALTERS	6-1992
2,161,015	BUXTON	3-1937
5,590,911	WILSON	1-1997
4,991,767	WYANT	2-1991
6,222,947	KOBA	4-2001
6,364,559	BROWN et al	4-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 11, 16, 21, 22, 25, 26, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al in view of Walters. This rejection is set forth in prior office action, Paper 7/14/04.

Claims 1, 11, 16, 21, 22, 25, 26, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al in view of Buxton.

Claims 5, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al in view of Walters and further in view of Wilson, Wyant and Koba.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al as modified by Walters, Wilson, Wyant, Koba, and further in view of Brown et al.

Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al in view of Walters, and further in view of Wyant.

Claims 17, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al in view of Walters, and further in view of Wilson and Wyant.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al in view of Walters, and further in view of Koba.

(10) Response to Argument

Appellant's arguments filed on September 1, 2005 have been fully considered, but they are not persuasive.

In regards to appellant's argument that the "Walter's patent is only intended to store extra papers, and Walters does not have a transparent cover, so there is no basis whatsoever for

combining the two patents”, the examiner submits that the Yamamoto et al patent is recited for disclosing a binder assembly comprising a front and rear cover, wherein the front cover has a transparent window with an opaque peripheral frame coating, and a transparent inner pocket having the same dimensions as the cover and secured to the inner surface of the front cover to hold pocket firmly against the transparent cover over the entire open area of the frame.

However, Yamamoto et al does not disclose a binder assembly, wherein the inner pocket is secured along its outer edge and its bottom edge, but is free and unsecured to the cover at the top and inner edges. The Walter as well as the Buxton references are **only recited for disclosing an inner pocket in a binding assembly which can be secured on an outer and bottom edges and free from being secured on an inner and top edge**. The examiner submits that the Yamamoto et al reference already discloses an inside transparent pocket which provides support over substantially “the entire open area of the frame”. The examiner gave a second rejection using the Buxton reference to disclose an inner pocket secured (by stitching) along its outer edge and its bottom edge, but free and unsecured to the cover at the top and inner edges, and is sized (Page 2, lines 1-12) to hold pocket firmly against the cover.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yamamoto et al’s binder assembly with a pocket only secured at its outer side and bottom edges as taught by Walters as well as Buxton for the purpose of allowing easier insertion of material in the pocket.

In regards to applicant’s argument that “the multiplicity of pockets are designed to support pads” and “must provide space to accommodate a full pad of paper”, the examiner

submits that the feature upon which applicant relies (i.e., pockets to accommodate a full pad of paper) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

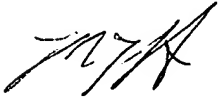
In response to applicant's argument that the examiner's conclusion of obviousness is based upon "improper hindsight" reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Mark Henderson

Examiner in Art Unit 3722

November 27, 2005

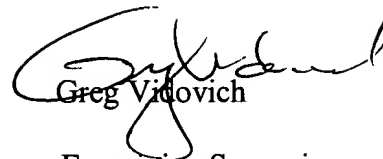
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Art Unit 3722



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